

2009 DRAFTING REQUEST

Bill

Received: **09/18/2008**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

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Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Miner, BB0019 -

Topic:

Aquatic invasive species regulation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	rkite 10/01/2008	jdye 10/02/2008	jfrantze 10/02/2008	_____	sbasford 10/02/2008		State
/2	rkite 10/06/2008	jdye 10/06/2008	rschluet 10/06/2008	_____	sbasford 10/06/2008		

FE Sent For:

<END>

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/?		10/6 jld					State
/1	rkite 10/01/2008	jdyer 10/02/2008	jfrantze 10/02/2008		sbasford 10/02/2008		

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1068

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/?	rkite	1 10/2 jld	10/2	10/2			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

mag/
KMK

- Topic: Aquatic Invasive Species Prevention and Control
- Tracking Code: BB0019
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Andrew Miner AM 9/17/08
 - Phone: 266-1103
 - Email: andrew.miner@wisconsin.gov
- Agency acronym: DNR
- Agency number: 370
- Priority (Low, Medium, High): Medium

Intent: Modify s.281.68 to allow DNR to use up to 10% of the aquatic invasive species grants appropriation (20.370(6)(as)) for Citizen Lake Monitoring expenses and to expand the definition of eligible expenses to include contracts for providing technical assistance to entities that have applied for or received aquatic invasive species grants.

See attached sheet.

Aquatic Invasive Species Prevention & Control— The Department requests that s. 281.68 be modified to allow the Department to use up to 10% of the AIS grants appropriation for Citizen Lake Monitoring Network (CLMN) expenses and to expand the definition of eligible expenses to include contracts for providing technical assistance to entities that have applied for or received AIS grants. With current AIS grant funding set at \$4.3 million annually, the Department could use up to \$430,000 of grant funding for additional CLMN activities. This request is “budget neutral”—that is, it is funded with existing spending authority and results in no additional FTE since CLMN activities would be carried out through external contractors.

CLMN, a statewide network of volunteers authorized under s. 281.68 (1t), provides valuable information to the Department by conducting water quality sampling and detecting new or recurring AIS infestations. Under current law [s. 281.68 (2)(b)], the Department can use up to 10% of the amount authorized annually for lake protection and planning grants [s. 20.370 (6)(ar)] on CLMN-related costs, which include those associated with training and supplying volunteers, with handling, shipping and analyzing water samples, and with developing and maintaining a database of water quality samples.

When 2007 Act 20 (the 2007-09 biennial budget act) shifted funds from the lake protection and planning grant appropriation to the newly-established AIS grants appropriation [s. 20.370 (6)(as)], it, in effect, resulted in a 35% cut to CLMN funding from pre-Act 20 levels because the statutes were not changed to allow the Department to use up to 10% of the new AIS grants appropriation. In addition, it also had the effect of removing the legal authority for the Department to use funds to support the network of citizens conducting AIS monitoring.

Funding for aquatic invasive species (AIS) grants has grown exponentially in recent years, from \$500,000 in FY 2005 to \$4.3 million in FY 2009. This increase has triggered a demand among grant applicants (i.e., local units of government, lake and river management organizations, tribes, etc.) for more technical support to enhance the quality and effectiveness of their AIS project. The Department's current technical assistance effort is only 1 FTE statewide.

Issuing Fee For Well Notification Transactions — Approximately 12,000-17,000 Well notifications are currently issued through the Department's Automated Licensing Issuance System (ALIS) system each year. ALIS has proven to be a very efficient and cost-effective method for processing well notification transactions. However, due to a lack of statutory authority, the Department currently reimburses an ALIS agent \$0.50 less for each well notification transaction that it processes than it does for all other license and permit transactions. The intent of the fee is to equitably compensate the agent for the services that it provides to the Department in processing transactions.

Request: Modify s. 281.34(3), Stats., as follows:

281.34 Groundwater Withdrawals

(3) NOTIFICATION REQUIRED FOR OTHER WELLS. (a) An owner shall notify the department of the location of a well that is not a high capacity well before construction of the well begins. An owner notifying the department under this subsection shall pay a fee of \$50.

(b) The department may appoint any person who is not an employee of the department as the department's agent to accept and process well notifications and collect the fees.

(c) Any person, including the department, who accepts and processes a well notification shall collect in addition to the fee under par. (a) an issuing fee of 50 cents. The agent may retain the issuing fee to compensate the agent for the agent's services in accepting and processing the notification.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0278/3

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DOA:.....Miner, BB0019 - Aquatic invasive species regulation ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

In 10/1/09

X

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AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

Under current law, DNR administers a program to award grants to public and private entities for up to 50% of the costs of projects to control invasive species (invasive species grant program). DNR also administers a lake monitoring contracts program under which it awards contracts to public groups or persons for the creation and support of a statewide lake monitoring network. The contracts may include payment for the costs of water quality sample collection and reporting. *

Under current law, DNR is required to promulgate rules for the administration of the lake monitoring contracts program. The rules must specify the eligible activities and qualifications for participation in the statewide lake monitoring network. This bill provides that the eligible activities must include providing technical assistance to public or private entities that apply for, or have received, a grant under the invasive species grant program. The bill also provides that a specified amount of funding that is appropriated under current law for the invasive species grant program may also be used to fund the lake monitoring contracts program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

NATURAL RESOURCES ← head
NAVIGABLE WATERS ← subhead

move

1 **SECTION 1.** 20.370 (6) (as) ^X of the statutes is amended to read:

2 20.370 (6) (as) *Environmental aids—invasive aquatic species [✓]and lake*
3 monitoring. Biennially, from the conservation fund, [✓]the amounts in the schedule for
4 grants under s. 23.22 (2) (c) to control invasive species that are aquatic species and
5 for lake monitoring contracts under s. 281.68 (1t). [✓]

→ *note: bud* ←
History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97.

6 **SECTION 2.** 281.68 (title) ^X of the statutes is amended to read:

7 281.68 (title) [✓]**Lake management planning grants and lake monitoring**
8 contracts.

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16; 2003 a. 275.

9 **SECTION 3.** 281.68 (2) (b) ^X of the statutes is amended to read:

10 281.68 (2) (b) ~~The total amount of lake monitoring contracts~~ [✓]The department
11 shall pay the costs of lake monitoring contracts from the [✓]appropriations under s.
12 20.370 (6) (ar) and (as). [✓]Payment from the appropriation under s. 20.370 (6) (as) for
13 each fiscal year may not exceed 10 percent of the total amount appropriated under
14 s. 20.370 (6) [✓](~~ar~~) (as).

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16; 2003 a. 275.

15 **SECTION 4.** 281.68 (3) (bg) ^X of the statutes is amended to read:

16 281.68 (3) (bg) The department shall promulgate rules [✓]for the administration
17 of the lake monitoring contracts program, which shall specify the eligible activities
18 and qualifications for participation in the statewide lake monitoring network.

- 1 Eligible activities ✓ shall include providing technical assistance to public or private
- 2 entities that apply for, or have received, a grant under s. 23.22 (2) (c). ✓

History: 1989 a. 31; 1989 a. 160 ss. 1, 3, 4; 1989 a. 359; 1991 a. 39, 269; 1995 a. 27; 1995 a. 227 s. 430; Stats. 1995 s. 281.68; 1997 a. 79; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16; 2003 a. 275.

3

(END)

Kite, Robin

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Friday, October 03, 2008 2:21 PM
To: Kite, Robin
Subject: FW: LRB Draft: 09-0278/1 Aquatic invasive species regulation

Robin,

Please see the comments below from DNR regarding the aquatic invasive species draft. Let me know if there are any problems you see; otherwise, you can make the changes. Thanks - Andrew

From: Neumann, Paul F - DNR
Sent: Friday, October 03, 2008 2:18 PM
To: Miner, Andrew - DOA
Subject: RE: LRB Draft: 09-0278/1 Aquatic invasive species regulation

Andrew,

I spoke with program staff about the draft and have the following comments in this draft:

Section 1: Since the appropriation title for 20.370 (6) (ar) doesn't have "*and lake monitoring*" in it, we suggest not not changing the appropriation title for 20.370 (6) (as) either. The lake monitoring aspect to the appropriation is sufficiently identified in line 5.

Section 2: OK

Section 3: We suggest modifying 281.68 (2)(b) as follows: *The total amount of lake monitoring contracts for each fiscal year may not exceed 10 percent of the total amount appropriated under s. 20.370 (6) (ar) and (as).* In other words, the intent of our statutory change request is to enable the Department to use up to 10% of both the lake protection and the AIS appropriation for CLMN and technical assistance activities.

Section 4: OK

Thanks,
Paul

From: Miner, Andrew - DOA
Sent: Thursday, October 02, 2008 9:17 AM
To: Neumann, Paul F - DNR
Subject: FW: LRB Draft: 09-0278/1 Aquatic invasive species regulation

Hi Paul,

This looks relatively straightforward, but I thought I'd send the aquatic invasives stat language over to you just to check it out. Let me know if it looks accurate. Thanks - Andrew

From: Frantzen, Jean [mailto:Jean.Frantzen@legis.wisconsin.gov]
Sent: Thursday, October 02, 2008 9:12 AM
To: Miner, Andrew - DOA
Cc: Steinmetz, Jana D - DOA; Hanaman, Cathlene - LEGIS; Hamele, Mary - DOA
Subject: LRB Draft: 09-0278/1 Aquatic invasive species regulation

Following is the PDF version of draft 09-0278/1.

Kite, Robin

From: Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]
Sent: Monday, October 06, 2008 9:01 AM
To: Kite, Robin
Subject: RE: LRB Draft: 09-0278/1 Aquatic invasive species regulation

Robin,

Go ahead and make the changes to both sections, I think they will be fine. Thanks - Andrew

From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Friday, October 03, 2008 2:48 PM
To: Miner, Andrew - DOA
Subject: RE: LRB Draft: 09-0278/1 Aquatic invasive species regulation

Andrew:

I will go ahead and make the change requested in Section 3 of the draft. The original request appeared to request the 10% funding to be limited to s. 20.270 (6) (as).

With regard to the request that the draft not change the title of s. 20.370 (6) (as) -- I think this change is advisable given that funding under that appropriation is now expanded to include funding for lake monitoring contracts. The reason that I also did not change the title of s. 20.370 (6) (ar) is that the current title of that statute is broader because it uses the term "lake protection" rather than "invasive aquatic species". The reason for changing titles is for clarity. As you know, titles themselves are not part of the law but they should accurately reflect the content of the text. What are your thoughts?

Robin

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10/06/2008

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2009 - 2010 LEGISLATURE

LRB-0278/1

RNK:jld:jf

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DOA:.....Miner, BB0019 - Aquatic invasive species regulation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

In 10/6

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AN ACT ...; relating to: the budget.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (6) (as) of the statutes is amended to read:

2 20.370 (6) (as) *Environmental aids—*invasive aquatic species and lake
3 monitoring. Biennially, from the conservation fund, the amounts in the schedule for
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 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0278/2

RNK:jld:rs

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17 Eligible activities shall include providing technical assistance to public or private
18 entities that apply for, or have received, a grant under s. 23.22 (2) (c).

19 (END)